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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/465,236	12/15/1999	JOSEPH C. HARROW	062891.0311	8644

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BAKER & BOTTS LLP
2001 ROSS AVENUE
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EXAMINER

PIZARRO, RICARDO M

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/465,236	Applicant(s) HARROW ET AL.	
	Examiner Ricardo Pizarro	Art Unit 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7,9,14 and 32-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7,9-14 and 32-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/3/05 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 38, 2-4, 7, 39, 9-11, 14 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. patent No. 6,463,414 (Su).

Regarding claims 38 and 39, Su et al discloses a conference bridge processing of speech in a packet network environment including an apparatus for using a plurality of processors to support a media conference comprising : mixers elements in Fig. 2 (mixing processor operable to mix input media information) a plurality of participants 1, 2, .. in Fig. 2 (associated with two or more first participants) information being sent to

participant 3 in Fig. 2 (to generate output media information for communication to a second participant).

A encoder 232 in Fig. 2 that is a media processor coupled to the mixing processor 3 (a first media transformation processor coupled to the mixing processor) , the encoder element receives output information from mixing processor in fig.2 (said processor operable to receive the output media information from the mixing processor) the encoded output being sent to a second participant (to encode the output media information to generate an output data stream and to communicate the output data stream to the second participant's end-user device) .

Regarding claims 2 and 9, Su discloses decoder 230 that is a media processor coupled to the mixing processor in fig. 2 (a second media transformation processor coupled to the mixing processor said second processor operable receiving data from first participant (to receive an input data stream from a first participant's end-user device) to input 210 in Fig. 2 (to decode the input data stream) said information associated with first participant 1 in Fig. 2(to generate input media information associated with the first participant and to communicate the input media information associated with the first participant) .

Decoder 230 is a media processor coupled to the mixing processor in fig. 2 (and to communicate the input media information associated with the first participant to the mixing processor).

Regarding claims 3 and 10, Su discloses a decoder 230 that receives input from first participant 1 in Fig.2 (said second processor operable to receive an input data

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stream from a first participant's end-user device) decoding input 210 (to decode the input data stream) communicating information to second participant (to generate input media information associated with the first participant and to communicate the input media information associated with the second participant) and to communicate the input media information associated with the second participant to the mixing processor.

Regarding claims 4 and 11, Su discloses mixers 238 and 240 that receive input from first participant in Fig. 2 (wherein said mixing processor is operable to receive an input data stream from a first participant's end user device and to decode the input data stream to generate input media information associated with said first participant).

Regarding claims 7 and 14, Su discloses a voice conference and media is voice, col 2 lines 12-16
(wherein the conference is a voice conference).

3. Claims 40, 32-34, 37 are rejected under 35 U.S.C. 102(a) as being anticipated by US patent No. 6,463,414 (Su).

Regarding claim 40, Su discloses a conference bridge processing of speech in a packet network environment including an apparatus for using a plurality of processors to support a media conference comprising :a plurality of end user devices 1,2,3,...,n in Fig.2 (a plurality of end user devices) coupled to a packet network 102 (i.e. coupled to a data network) capable of generating media information, device shaving encode/decode means at the conference bridge (and operable to generate media

information to encode input media information to generate input data streams),
conference bridge 200 in Fig. 2 (a conferencing device coupled to the data network) ,

Conference bridge includes decoders 230 and 234 in Fig. 2 (the conferencing device comprising processors operable to decode input data stream to generate the input media information), mixing elements 238 and 240 in Fig. 2 to mix media information (to mix the input media information to generate output data information) and to encode the output data to generate output streams, end-user devices include encode/decode means (wherein the end-user devices are further operable to receive the output data stream and to decode the output streams to generate output media information) .

Regarding claim 32 Su discloses mixing elements 238, 240 and 242 in Fig. 2)
(mixing processor operable to mix the input information to generate the output media information)

Regarding claim 33, Su discloses one or more encoders 232 and 236 in Fig. 2
(one or more transformation processors operable to decode the input data streams to generate input media information).

Regarding claim 34, Su discloses coding techniques such as G.711, G.726, G.728 , G.729(A), and G.723.1 , col 4 line 17(a coding standard used by participant's end-use to encode input media information and to encode output media information).

Regarding claim 37, Su discloses a voice conference, col 2 lines 12-16 and media is voice (wherein the conference is a voice conference) .

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5,6,12, 13, 35,36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent No. 6,463,414 (Su).in view of US patent No. 5,841,763(Leondires).

Su did not specifically disclose said processors being separate as in claims 5, 12, and 35, being DSP processors as in claims 6, 13 and 36.

US patent No. 5,841,763(Leondires et al) discloses a conferencing device with separate processors (separate processor in Fig. 3) , as in claim 5, 12 and 35; said processors are DSP (col 14 lines 51-60), as in claims 6, 13 and 36.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the DSP means as disclosed in Leondires to the Su system with the motivation of obtaining a conferencing system equipped to service conferees that employ ITU standards wherein the number processing resources can be reduced

Conclusion

5. Applicant argues that the Provisional Application 60/128873 corresponding to the Su reference No. 6,463,414 does not support said reference therefore Provisional filing date of 4/12/99 can not be used to anticipate filing date of instant application of 12/12/99. Examiner disagrees since it is his interpretation, after reviewing said provisional application, that said provisional application supports the Su reference since it is disclosing processing of speech signals in the context of a conference call bridging such as the Su reference. Further, the provisional application discloses the mixing, encoding, decoding of signals (see page 2 of the provisional application). Although the provision did not specifically disclose the use of processors for doing said mixing it would have been obvious to one of regular skill in art that said processor elements would have been needed in the order to obtain the mixing, encoding of said signal in a conference environment.

Regarding claims 38, 39 and 40 and in response to applicant's arguments that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., separate processors) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306

(for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to 220 South 20th Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Va 22202 (Customer Window).

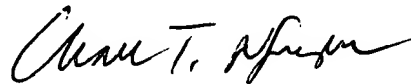
Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is (571) 272-3077. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM. The fax number for this Group is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chau Nguyen** can be reached on (571) 272-3126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 27, 2005

Ricardo M. Pizarro



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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600